

Claims 19-21 have been added. Upon entry of this amendment, this application will include claims 8-12 and 19-21.

Applicant hereby affirms the election of Group I, method claims 8-11.

Claims 8-11 were rejected under 35 U.S.C. § 112, first paragraph, as based on a disclosure which is not enabling. The first paragraph of 35 U.S.C. § 112 states as follows:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

In rejecting claims 8-11, the Examiner indicates in the Office Action at page 3, “[t]he configuration of the pressure chamber, i.e., which is made by the use of rollers in nipping configuration so to form the chamber, critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure.” However, it is Applicant’s contention that the specification includes four distinct embodiments of a pressurized chamber. The specification more than enables any person skilled in the art to which it pertains to make and use a pressurized chamber. The use of rollers in the configuration of a pressure chamber, as noted by the Examiner, is one but not the only embodied configuration. For example, although two embodiments, as shown and described with regard to Figures 7 and 8, utilize a plurality of rollers in a nipping configuration, the embodiments shown and described with respect to Figures 9 and 10 do not require a plurality of rollers in forming a pressure chamber. Moreover, Figure 10 shows and describes a pressure chamber which does not use any rollers. Accordingly, it is proper for Applicant to include claims reciting a pressurized chamber that is not limited to a pressure chamber formed in part by a plurality of rollers.

Therefore, essential subject matter is not missing from any of claims 8-11, and said claims are adequately enabled by the disclosure referencing a pressurized chamber. Accordingly, for all of the reasons set forth above, it is respectfully requested that the rejection of claims 8-11 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Responsive to the rejection of claims 8-11 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,607,555 (Grossmann, et al.), Applicant has amended claim 8 and submits that claim 8, and claims 9-11 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

Examiner contends that the pressurization chamber is formed by two endless belts, 01 and 02, in figure 1 which also shows the inlet and outlet nips through which the web is passed, pressure devices II and 05.

Grossmann, et al. discloses a twin gap former (Fig. 1) including a first lower twin-wire former UF for a lower ply, layer or web and a second upper twin-wire former OF for an upper ply, layer or web of paper (column 2, lines 21-24). Section II of each twin-wire former includes a plurality of elastically pressable ledges located below or within a respective suction box U5 and O5, and each suction box U5, O5, is located within a respective lower wire loop U2 and O2, i.e., suction boxes U5 and O5 are in the same wire loops as breast rolls U4 and O4, respectively. Opposite the resilient ledges in suction boxes U5 and O5, there is another respective suction box U6 and O6 above upper wires U2 and O2, respectively, in which a plurality of stationary drainage ledges are arranged (column 2, lines 55-67).

Claim 8, as amended, recites in part:

providing a pressurized chamber, said pressurized chamber being fluidly connected to a

source of a pressurized fluid;

processing said forming fabric through said pressurized chamber; and

distributing a pressurized flow of slurry having a first composition in said pressurized chamber across a width of said forming fabric to form said continuous web.

(Emphasis added).

Applicant submits that such limitations are neither taught, disclosed nor suggested by Grossmann, et al. and include distinct advantages thereover. Claim 8 is amended to recite that the pressurized chamber is connected to a source of pressurized fluid. This is distinguishable over the cited prior art which, as contended by the Examiner, discloses a pressurization chamber formed by endless belts O1 and O2 in conjunction with suction boxes. Even if such a pressurization chamber is formed by endless belts O1 and O2, such a structure does not include a source of pressurized fluid connected to the pressurized chamber, recited in claim 8, as amended.

Notwithstanding the distinction set forth above, it is further contended that Grossmann, et al. does not disclose, teach or suggest distributing a pressurized flow of slurry having a first composition in the pressurized chamber. Rather, Grossmann, et al. discloses headboxes U3 and O3 that discharge a pulp suspension outside the region, i.e. between endless belts O1 and O2, which the Examiner contends defines a pressurization chamber.

An advantage of the present invention is that the forming area can be shortened over that of a typical headbox arrangement, and the forming area can be controlled by the application of pressure within the chamber.

Accordingly, for all the reasons set forth above, Applicant believes claim 8 is patentable over Grossmann, et al. and respectfully requests that the rejection of claim 8 be withdrawn.

Each of claims 9-11 is allowable, due to their dependence on an otherwise allowable base claim. In addition, applicant believes that claims 9-11 further and patentably define applicant's invention over Grossmann, et al.. For example, claim 11 recites distributing a second slurry having a second composition in said pressurized chamber on said continuous web to form a second layer of said continuous web. In contrast, Grossmann, et al. discloses discharge of a pulp suspension outside the pressurization chamber.

For all of the reasons set forth above, Applicant submits that claim 8, and claims 9-11 depending therefrom, are now in condition for allowance and respectfully requests that the rejection of claims 8-11 under 35 U.S.C. § 102(b) be withdrawn.

Claim 19 has been added hereby to further protect the patentable subject matter of the present invention. Claim 19 recites in part:

providing a pressurized chamber, said pressurized chamber being at least partially defined by at least one of a plurality of rolls and a chamber housing, said pressurized chamber being fluidly connected to a source of a pressurized fluid;

processing said forming fabric through said pressurized chamber; and

distributing a pressurized flow of slurry having a first composition in said pressurized chamber across said width of said forming fabric to form said continuous web.

(Emphasis added).

Based upon the Examiner's statement made with respect to claims 8-11, Applicant believes claim 19 to be in condition for allowance in its present form. In addition, for all of the reasons given above with regard to claim 8, as well as, the additional distinction of providing a pressurized chamber, "being at least partially defined by at least one of a plurality of rolls and a chamber housing," (emphasis added), Applicant submits that claim 19 is also in condition for

allowance, which is hereby respectfully requested.

Claim 20 has also been added hereby to further protect the patentable subject matter of the present invention. Claim 20, depending from claim 19, recites in part “providing a roller chamber formed of said plurality of rolls.” (Emphasis added). Applicant submits that claim 20 is also in condition for allowance, which is hereby respectfully requested.

Claim 21 has also been added hereby to further protect the patentable subject matter of the present invention. Claim 21, depending from claim 19, recites in part that “said second pressurized chamber being at least partially defined by being at least one of a plurality of rolls and a chamber housing” (Emphasis added). In addition, Applicant believes claim 21 to be allowable for substantially the same reasons given above with respect to claim 11. Thus, applicant submits claim 21 is in condition for allowance, which is hereby respectfully requested.

For the foregoing reasons, Applicant submits that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicant respectfully requests withdrawal of all rejections and allowance of the claims.

In the event Applicant has overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicant hereby conditionally petitions therefor and authorizes that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

PATENT

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (317) 894-0801.



Respectfully submitted,

Ronald K. Aust

Ronald K. Aust
Registration No. 36,735

Attorney for Applicant

RECEIVED
JUL 18 2001
TC 1700

RKA/dwt

TAYLOR & AUST, P.C.
12029 E. Washington St.
Indianapolis, IN 46229
Telephone: 317-894-0801
Facsimile: 317-894-0803

Enc.: Return postcard

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, Washington, DC 20231, on: July 10, 2001.

Ronald K. Aust, Reg. No. 36,735

Name of Registered Representative

Ronald K. Aust

Signature

July 10, 2001

Date

PATENT

Title: Paper Making Apparatus Having a Pressurized Chamber

Application Serial No.: 09/652,554

Group: 1731

Examiner: Jose A. Fortuna

ATTACHMENT A:
MARKED-UP COPY SHOWING AMENDMENTS

IN THE CLAIMS

8. (Amended) A method of forming a continuous web on a forming fabric, comprising the steps of:

providing a pressurized chamber, said pressurized chamber being fluidly connected to a source of a pressurized fluid;

processing said forming fabric through said pressurized chamber; and

distributing a pressurized flow of slurry having a first composition in said pressurized chamber across [said] a width of said forming fabric to form said continuous web.